

# **EQUAL OPPORTUNITIES IN EMPLOYMENT POLICY (Birmingham City Council)**



**JUNE 2023**

**Ratified by the Full Governing Body on: 13<sup>th</sup> June 2023**

**To be reviewed June 2025**

**Chair of Governors Signature:**

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The Governing Body of The Pines School is committed to a policy of equal opportunities in employment whereby individuals are selected, trained, promoted and treated on the basis of their relevant merits, skills and competency.

All members of staff and job applicants will receive equal treatment regardless of:

- disability
- age
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex; and
- sexual orientation.

These *are known* as 'protected characteristics' as outlined in the Equality Act 2010 which defines direct discrimination as less favourable treatment because of a protected characteristic.

The Act brought together and simplified nine separate pieces of discrimination legislation and created a more consistent and effective framework, while at the same time extending *protection against discrimination*.

## **Policy Statement**

The equal opportunities in employment policy has been developed within the framework of existing legislation and applies to all those who are employed by the School. All future documents, procedures, codes of practice, guidelines, instructions, etc (whether developed and issued by Birmingham City Council or the School) related to employment issues or connected with the employment of people by the School will be *monitored by the school to ensure that the school follows them in a way which complies with the Equality Act and this policy*.

The School is committed to valuing diversity and promoting equality for everyone. We recognise the varied contributions that a diverse workforce brings to an organisation and are committed to drawing on the different perspectives and experiences of individuals which will add value to the way the organisation operates.

The School aims to recruit, retain and develop employees based on merit, competence and potential. We are committed to promoting a positive work environment for our employees and ensuring employees are given every opportunity to fulfil their potential.

This policy applies to all members of the Governing Body, the Head Teacher, employees, agency workers, all job applicants and third parties providing services to the School. All will be expected to act in accordance with the School's equal opportunities in employment policy *and comply with the Equality Act*.

The School will strive to ensure that the work environment is free from harassment and bullying and that everyone is treated with dignity and respect in ensuring equal opportunities

in employment. The School has a separate Anti Harassment Procedure which deals with any discrimination, harassment, bullying and victimisation, which may occur in the workplace.

In line with the Equality Act 2010, this policy includes the new provision relating to the single equality duty on public bodies and the extended scope for positive action within recruitment and selection and the School will undertake any necessary action to ensure compliance with the Equality Act 2010 and the corresponding duty. *The School will take account of advice published by the Department for Education which relates specifically to schools.*

<http://media.education.gov.uk/assets/files/doc/e/df/e%20equality%20act%20guidance%20oct%202012b.doc>

The success of an Equal Opportunities in Employment Policy will require the commitment and support of governors and staff alike.

### **The Leadership, through this Policy will ensure that The Pines School**

- Is committed to a policy of equality of opportunity in its employment, procedures and practices, and all the services for which it is responsible, ensuring they are and remain non-discriminatory and are compliant with legislation in relation to age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity
- Is responsible for achieving, promoting and providing equality of opportunity and to do this will receive appropriate training including diversity, recruitment and selection and capability training.
- Promotes positive action to overcome the effects of past discrimination
- Seeks to achieve greater diversity in employment and recognising the Equality Act 2010 states that compliance with the duty may involve treating some people more favourably than others
- Will ensure that all existing and potential employees receive equal consideration and ensure that non-discriminatory treatment of all job applicants and employees is practised as well as equality of opportunity
- *Makes all employees in the School* aware of the existence of the policy, its aims and objectives, and their rights and role in its implementation at all levels and locations within the School
- Deals fairly and appropriately with any discrimination issues raised
- Ensures that reasonable adjustments are made as appropriate.

### **Employees also have a duty to:**

- Be responsible for owning and promoting the policy
- Comply with the Equal Opportunities in Employment Policy. A failure to do so will be treated as a disciplinary offence. Any unlawful acts of discrimination could make the School liable to legal proceedings
- Not discriminate against or harass anyone in the course of their employment
- Assist the School in meeting its commitment to provide equal opportunities for all
- Treat colleagues and members of the public with dignity and respect
- Have due regard to equal opportunities in the work they do and decisions they make
- Promote diversity in the workplace.

The Pines School acknowledges that it will be liable for acts of unlawful discrimination committed by their employees in the course of their employment unless they can show that

they took such steps as were reasonably practicable to prevent those acts. There is no limit on compensation for unlawful discrimination, which includes compensation for injury to feelings and personal injury.

The Pines School has a code of conduct which sets out its expectations of employees and which complies with the Equality Act. Any breach of the rules and regulations in that code may lead to disciplinary action.

The Pines School has a comprehensive monitoring system to examine the implementation of the policy and to assess whether it is achieving its aims and objectives, and to plan future priorities and strategies.

The School will monitor the composition of the existing workforce and of applicants for jobs and will consider and take any appropriate action to address any issues that may be identified as a result of the monitoring process.

The holder of the post of School Business Manager will be responsible for monitoring the existing workforce by age, gender, race and presenting this information to the School's leadership team annually. The Head Teacher will lead the discussion in the leadership team and decide what action should be taken and by whom. The Head Teacher will also report to the Governing Body.

The School cannot lawfully discriminate in the selection of employees for recruitment but it may use appropriate lawful methods, including lawful positive action, to address the under-representation of any group that is identified as being under-represented in particular types of job. However, positive action does not allow an employer to appoint a less suitable candidate just because that candidate has a protected characteristic that is under-represented or disadvantaged.

In addition, the School will seek to ensure that individuals and any third party whose services are engaged by the School do not practise unlawful and unfair acts of discrimination.

The leadership team will be responsible for ensuring that all employees are informed and trained about the school's equality duties, either in staff meetings or on training days. This person will also ensure that training in other matters, such as health and safety, has due regard for the school's equality duties. This person will be responsible for reporting to the school's leadership team about training in equality duties and identifying any gaps.

The responsibility for monitoring this policy will rest with the Governing Body. The Head Teacher will be required to report on a regular basis to enable the Governing Body to assess how the policy is being applied.

## **Additional Guidance on Specific Areas**

### **Age Discrimination**

The School is committed to being an age diverse organisation which actively encourages the continued employment of people who want to work past their normal retirement age.

It is unlawful to discriminate against someone on the grounds of their age and the School also recognises that age discrimination does not just affect older people and we take on board that research shows that 1 in 7 young people feel that their progression is being hindered because of their age.

The School will eliminate any possible age discrimination and has increased awareness that it is unacceptable and unlawful to discriminate or harass someone on the grounds of age.

### **Disability Discrimination**

The main purpose of the Equality Act 2010 (EA) is to streamline and strengthen anti-discrimination legislation in Great Britain. It provides the legal framework that protects people, including disabled people, from discrimination. It replaces a range of anti-discrimination legislation, including the Disability Discrimination Act 1995 (DDA) and subsequent amendments.

The EA generally carries forward the protection provided for disabled people by the DDA. However, there are key differences.

- The DDA provided protection for disabled people from direct discrimination only in employment and related areas. The EA protects disabled people against direct discrimination in areas beyond the employment field (such as the supply of goods, facilities and services).
- The EA introduced improved protection from discrimination that occurs because of something connected with a person's disability. This form of discrimination can be justified if it can be shown to be a proportionate means of achieving a legitimate aim.
- The EA introduced the principle of indirect discrimination for disability. Indirect discrimination occurs when something applies in the same way to everybody but has an effect which particularly disadvantages to a disabled people. Indirect discrimination may be justified if it can be shown to be a proportionate means of achieving a legitimate aim.
- The EA applies one trigger point at which there is a duty to make reasonable adjustments for disabled people. This trigger point is where a disabled person would be at a substantial disadvantage compared to non-disabled people if the adjustment was not made.
- The EA extends protection from harassment that is related to disability. Previously, explicit protection only applied in relation to work. The EA applies this protection to areas beyond work.
- The EA provides protection from direct disability discrimination and harassment where this is based on a person's association with a disabled person, or on a false perception that the person is disabled.
- The EA contains a provision which limits the type of enquiries that a recruiting employer can make about disability and health when recruiting new staff. This

provision will help prevent disabled candidates from being unfairly screened out at an early stage of the recruitment process.

## **Gender Re-assignment**

Gender Dysphoria is an overwhelming desire to live and to be accepted as a member of the sex different to the one they were born as.

Individuals undergoing gender reassignment are known as 'transpeople' – and it is believed that there are around 5,000 people in the UK whose gender identity does not match their appearance and/or anatomy.

The process which transpeople go through can take a number of years. The diagnosis itself is a specialist area and can take a considerable length of time.

Once a diagnosis has been made, hormone therapy will start to bring on a number of physical changes. At this point, transpeople will then change social gender in order to have a Real Life Experience (RLE) or Real Life Test (RLT), which involves:

- Changing name and other records
- Living, working and socialising in the new gender.

Some people choose to maintain their usual gender role at work for longer.

The School is committed to the health and wellbeing of all our employees and we will make every effort to handle this sensitive issue and support people through the process professionally, seamlessly and without prejudice.

## **Implementing Positive Action**

The term Positive Action was first used in the Sex Discrimination Act 1975 (SDA) and then again in the Race Relations Act 1976 (RRA).


The law allows us under both Acts to take positive action to help members of a particular group to gain employment by providing training, in areas or jobs where they are under-represented. It also encourages women, men, or black and minority ethnic people to apply for jobs where they are under-represented in the workplace or in a particular type of work and provide special training for groups where appropriate.

It is also possible to use positive action to improve the representation of people with disabilities. The Disability Discrimination Act 1995 provides the opportunity to use positive advertising in order to welcome applications from people with disabilities

## **Genuine Occupational requirement/qualification**

There are occasions when it is lawful to advertise for someone of a particular sex, racial group, religion, belief or sexuality, because of a Genuine Occupational Requirement (GOR) or Genuine Occupational Qualification (GOQ).

## **Flexible Working Summary**

 Flexible working allows for many different patterns of working that go beyond the traditional arrangements.

Flexible working gives us the ability to schedule the time available to us in the most effective way so that it meets both the needs of the service, and as far as possible, the personal needs of our diverse workforce.

Employees can apply for a more flexible pattern of working such as job share or banked hours.